

1 Christopher S. Ford (State Bar No. 337795)  
2 csford@debevoise.com  
3 DEBEVOISE & PLIMPTON LLP  
4 650 California Street  
5 San Francisco, CA 94108  
6 Tel: 415-644-5628

7 Megan K. Bannigan (*Pro Hac Vice*)  
8 mkbannigan@debevoise.com  
9 Timothy Cuffman (*Pro Hac Vice*)  
10 tcuffman@debevoise.com  
11 DEBEVOISE & PLIMPTON LLP  
12 66 Hudson Boulevard  
13 New York, NY 10001  
14 Tel: 212-909-6000

15 *Attorneys for Defendant*  
16 *Lightning Labs, Inc.*

17 **UNITED STATES DISTRICT COURT**  
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

20 ----- x  
21 TARI LABS, LLC, : CASE NO.: 3:22-cv-07789-WHO  
22 : [PROPOSED] ORDER  
23 Plaintiff, : DENYING PLAINTIFF'S  
24 : MOTION FOR A TEMPORARY  
25 : RESTRAINING ORDER AND  
26 : VACATING ORDER  
27 LIGHTNING LABS, INC. : MAINTAINING STATUS QUO  
28 Defendant. :  
29 ----- x

## [PROPOSED] ORDER

Before this Court is Plaintiff Tari Labs' Application for a Temporary Restraining Order (the "Motion"). Having considered all papers filed in connection with the Motion, and all arguments of the parties relating thereto, the Court hereby finds and orders as follows:

1. Plaintiff has failed to establish that it is likely to succeed on the merits of its trademark infringement and related claims;
2. Plaintiff has failed to establish that it is likely to suffer irreparable harm in the absence of a restraining order;
3. Plaintiff has failed to establish that the balance of equities tips in its favor; rather, the balance of equities tips in Defendant's favor; and
4. Plaintiff has failed to establish that a restraining order is in the public interest.

Plaintiff's Application for a Temporary Restraining Order, *see* ECF No. 25, is accordingly DENIED, and the Court's previous Order Maintaining Status Quo, *see* ECF No. 34, is VACATED.

It is further ordered that, within seven (7) days of the entry of this Order, the parties shall meet and confer regarding a schedule for Plaintiff's Motion for Preliminary Injunction and any necessary discovery in connection with that motion. The parties shall provide a proposed schedule to the Court no later than \_\_\_\_\_, 2023.

## IT IS SO ORDERED.

Dated: March , 2023

Hon. William H. Orrick  
United States District Judge